

Council Initiative Workshop November 20, 2012



NOTICE OF MEETING MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, November 20, 2012, at the Murray City Center, 5025 South State Street, Murray, Utah.

4:00 p.m. <u>Council Initiative Workshop:</u> To be held in the Conference Room #107

- 1. Approval of Minutes:
 - 1.1 None scheduled
- 2. <u>Discussion Items:</u>
 - 2.1 Enterprise Fund Reserve Accounts Darren Stam
- 3. Adjournment:

This is a discussion item only, no formal action to be taken at this meeting.

NOTICE

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.

On Friday, November 16, 2012, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov. and the state noticing website at https://pmn.utah/gov.

Janet M. Lopez

Council Administrator

Murray City Municipal Council



Discussion Item #1

CIW Meeting Request Form

| Sponsor Darren Stam Date Sent to Administration 9,26,12 |
|--|
| Subject _Enterprise Fund Reserves |
| Date, Time, Place To be determined Nov. 20, 2012 CIW |
| Council Member Consent — In order to schedule a CIW three Council Members must consent. Consent merely reflects support to place a subject on an agenda for discussion, and in no way is meant to reflect complete endorsement of the topic. |
| Council Member Darren Stam |
| Council Member Trell |
| Council Member |
| Subject Matter — Council members who wish to sponsor a CIW agenda item shall prior to the scheduled meeting obtain informal, but distinct approval from a majority of Council Members. CIW meetings will be limited to one agenda item, unless there is a reasonable relationship between multiple items requested for the same date. |
| Subject Matter in Concept: Discussion relating to the amount of reasonable and appropriate reserves to be a goal in each of the enterprise funds. Determine a percentage and create a policy. |
| Presentation — Council members sponsoring a CIW shall be responsible for coordinating the presentation time, room, and staff involvement. A CIW presentation is designed to inform and educate Council Members regarding a particular topic, i.e., need for discussion, statistical data, outside municipal experiences, and current trends, etc. |
| Estimated Time 30 minutes |
| Presentation Medium Exhibits & Discussion |
| Special Equipment Needs (AV) |
| Discussion — Each meeting shall begin with a presentation by the sponsor, and then in turn attending Council Members will have the opportunity to comment on the topic. This meeting is designed to cultivate informal discussion focusing on the will and direction concerning of the Council as pertaining to the topic. Discussion should be focused on balancing and weighing the topic against general policy created by the Council. If there is a need, discussion items may be scheduled for a second meeting. |
| Discussion Highlights <u>Power, water, sewer, solid waste, storm water, and golf course enterprise funds.</u> |
| Fleet – internal service fund. |

Direction— At the conclusion of Council discussion or at the request of the sponsor, the Council shall determine future action and direction, staff involvement, or whether the items shall be tabled until further notice.

CHAPTER 2.30

POWER DEPARTMENT

SECTION:

2.30.010: Created
2.30.020: Purpose
2.30.030: General Manager
2.30.040: Subdivisions
2.30.050: Financial Standards
2.30.060: City Forester

2.30.010: CREATED:

- A. The power department is created.
- B. The power department's primary role and mission is to provide, in a safe and efficient manner, the electrical needs of the department's designated service area; including supplying reliable, cost effective, and adequate sources of electrical capacity, energy and associated services. (Ord. 11-35)

2.30.020: PURPOSE:

The department is to supply the city's residents and businesses within the department's service area with a reliable and adequate source of electrical energy and associated services at a reasonable cost, and to install, operate and maintain the city's electrical machinery, streetlights, and all other related electrical equipment and facilities owned or maintained by the city wherever located. (Ord. 11-35)

2.30.030: GENERAL MANAGER:

The mayor shall appoint a general manager, subject to the advice and consent of the city council. The general manager supervises all functions of the power department. The general manager is a department director and reports to the mayor. (Ord. 11-35)

2.30.040: SUBDIVISIONS:

The power department will be divided into three (3) general divisions:

- A. Administrative;
- B. Engineering; and
- C. Operations. (Ord. 11-35)

2.30.050: FINANCIAL STANDARDS:

In order to maintain fiscal soundness of the power department, the following financial standards are established:

- A. In Lieu Of Tax Transfer: In lieu of tax transfer from the power enterprise fund to the general fund of the city shall be six and eighty four hundredths percent (6.84%) of total actual operating revenues (including wholesale power sales revenue as well as gains from the sale of assets) for each fiscal year, excluding:
 - 1. Disbursements and/or refunds of overcollections and/or margins re-

ceived from Utah associated municipal power systems (UAMPS) and/or the Intermountain Power Agency (IPA); and

- 2. Revenues collected in accordance with electric service schedule 30, supply cost adjustment (SCA): The in lieu of tax transfer approximates the equivalent ad valorem taxes which would be imposed on an investor owned utility with the same or similar facilities. This transfer does not prohibit the power department from assisting or providing other services to other city departments.
- B. Transfer For Administrative Services: Transfer for administrative services to the general fund must be in an amount not to exceed the value of the actual services rendered. Such amount will be set each year by the finance director and approved by the city council through the budget approval process, based upon established cost allocation methodologies. In the general audit for fiscal year 1994-1995, and every fifth year thereafter, an allocation audit will be included in the general audit performed for the city by an independent auditor, to verify and/or recommend modification of the cost allocation methodologies. Any additional costs must be paid out of an appropriate power department account.

C. Reserve Accounts:

1. Five (5) specific reserve accounts must be established within the power enterprise fund. The operating and ordinary capital reserve account and the renewal and replacement reserve account will together represent the

minimum reserve goal for the power enterprise fund to provide financial stability and cash liquidity for emergency circumstances. The five (5) accounts are as follows:

- a. Operating and ordinary capital reserve account: This reserve account, which applies to working capital, purchased power expense, and ordinary capital projects, is established at the amount of twelve and one-half percent (12.5%) of the total approved annual budget for power department operating revenues.
- b. Renewal and replacement reserve account: This reserve account must be established at a minimum of one million dollars (\$1,000,000.00) in a designated trust account at a bank determined by the city's finance director, in accordance with any bond covenants of the city's electric revenue bonds. This reserve account minimum balance will be adjusted annually by the percentage increase reflected in the United States department of labor, bureau of labor statistics consumer price index for all urban consumers for the month of June in each fiscal year.
- c. Hunter II overhaul reserve account: This reserve account is initially established at a maximum of one million nine hundred thousand dollars (\$1,900,000.00), which may be drawn down to zero as necessary to fund a portion of the city's contractual share of costs for the overhaul of the Hunter II power generating facility.
- d. Gas turbine overhaul reserve account: This reserve account is established at a maximum of three million dollars (\$3,000,000.00), which

may be drawn down to zero as necessary to fund the periodic overhaul of the city's gas turbine generators.

- e. Future resource reserve account: This account contains the total of reserve funds, as defined in subsection C2 of this section, which are in excess of the sum of the four (4) specific reserve accounts detailed in subsections C1a through C1d of this section, to be used for power department purposes, except as determined by the city council.
- f. The accounts set forth in subsections C1a through C1e of this section are subject to regular annual budget review by the city council.
- 2. The assets of the above reserve accounts are included in the following general ledger accounts:
- a. Cash in bank sweep account (account 101);
- b. Interest bearing investments (account 110);
- c. Investments renewal and replacement (account 116);
- d. Due from other funds (portion payable within 30 days) (account 141). (Ord. 11-35)

2.30.060: **CITY FORESTER:**

- A. There is created in the power department the position of city forester.
- B. The city forester reports to the operations manager of the power department. The city forester supervises the

- forestry matters of the power department, and directs, administers, and develops the utility and urban forestry personnel and operations of the city.
- C. The city forester may draft arboricultural rules, regulations and specifications governing the planting, maintenance, and removal of trees on city property, other than those in city parks or cemetery, which is the responsibility of the public services department. Before enacting these rules, the shade tree and beautification commission must review and endorse the rules. The mayor must then approve the rules before the city forester may enact or enforce them.
- D. The city forester supervises the execution and enforcement of the rules, regulations and specifications pertaining to trees on city property, other than those in city parks or cemetery. The city forester may assist the public services department concerning the planting, maintenance or removal of trees in city parks or cemetery.
- E. The city forester or designee may grant permission and issue permits to third parties to plant, maintain or remove trees on city property. The city forester or designee must inspect work done under those permits, in accordance with the rules, regulations or specifications approved by the mayor. (Ord. 11-35)

CHAPTER 13.48

STORM SEWER UTILITY

SECTION:

13.48.010:

13.48.020: Purpose
13.48.030: Definitions
13.48.040: Storm Sewer Utility
Established

13.48.050: Storm Sewer Utility Fee 13.48.055: Computation Of Volume

Findings

13.48.060: Annual Transfer

13.48.010: FINDINGS:

- A. The city owns and operates a storm sewer system and facilities ("system") which have been developed over many years.
- B. The system consists of a network of structures, conduits and ditches, including groundwater, that collect and route stormwater runoff.
- C. Existing stormwater drainage conditions may constitute a potential hazard to the health, safety and general welfare of the city, its residents and businesses unless effectively maintained, replaced, improved, operated, regulated and controlled.
- D. Anticipated growth and further wear and tear on the system will place increased demands on the system.
- E. Stormwater runoff carries concentrations of oil, grease, nutrients, chemi-

cals, heavy metals, toxic materials and other material that may jeopardize the integrity of groundwaters and receiving waters, including the city's culinary water supply.

- F. Inadequate management of both the quantity and quality of stormwater runoff may:
 - 1. Endanger the groundwater supply;
 - 2. Cause flooding, erosion and property damage;
 - 3. Hinder the provision of emergency services to residents;
 - 4. Impede traffic flow;
 - 5. Degrade the integrity of city streets and other utilities; and
 - 6. Pose health hazards to residents.
- G. The city is required under federal and state mandates to provide increased quantity and quality controls to mitigate the impacts of pollutants that may be discharged from the system.
- H. Developed property contributes to the need for the system by altering natural conditions with impervious surfaces. All developed properties, whether public or private, make use of or benefit from the city's operation and maintenance of, and improvements to, the system.

- Impervious area is an important factor influencing storm sewer service requirements and costs posed by properties, and therefore is an appropriate factor for calculating storm sewer utility fees.
- J. The future usefulness of the system, including any additions and improvements, and the capability of the city to comply with federal and state mandates, depends on the ability of the city to effectively manage, protect, control, regulate, use, and enhance the system. In order to do so, the city must have adequate and stable funding for its storm sewer management program operating and capital investment needs.
- K. A storm sewer utility is the most equitable and efficient method of managing stormwater and ensuring that each property pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the system.
- L. A storm sewer utility fee is properly labeled a service fee similar to water, lighting, and sewer charges.
- M. A monthly charge imposed for the use of the system constitutes a fee for services, not an assessment. (Ord. 06-17 § 2)

13.48.020: PURPOSE:

The purpose of this chapter is to protect the health, safety and welfare of the city and its inhabitants by efficiently operating the city's system, managing and controlling stormwater runoff, protecting property, preventing polluted waters from entering

the city's water supply and other receiving waters, and establishing a viable and fair method of financing the improvement, operation and maintenance of the system. (Ord. 06-17 § 2)

13.48.030: **DEFINITIONS:**

For purposes of this chapter, the following terms and phrases and words shall mean:

DEVELOPED PARCEL: Any parcel that has been altered from its natural conditions by grading, filling, or the construction of improvements or other impervious surfaces.

EQUIVALENT RESIDENTIAL UNIT (ERU): The average amount of impervious surface, expressed in square feet, on developed single-family residential parcels in the city. One ERU equals three thousand four hundred (3,400) square feet of impervious surface.

IMPERVIOUS SURFACE: Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at greater rates of flow than the natural surface. (Ord. 06-17 § 2)

13.48.040: STORM SEWER UTILITY ESTABLISHED:

- A. Creation: There is hereby created and established a storm sewer utility operating within the city's public services department.
- B. Enterprise Fund: There is hereby established a storm sewer utility enterprise fund to handle all income, expenses and other financial transac-

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tions related to the storm sewer utility. All storm sewer utility charges shall be deposited in the storm sewer utility enterprise fund. Impact fees, provided for in chapters 13.06 and 13.20 of this title relating to the system shall also be deposited in the storm sewer utility enterprise fund. Impact fees shall be deposited in separate interest bearing ledger accounts, not commingled with any other funds, and shall only be used for expenditures enumerated in section 13.06.110 of this title and title 11. chapter 36 of the Utah code. Funds in the storm sewer utility enterprise fund shall not be commingled with other city funds and may be transferred to other city funds only as allowed under title 10, chapter 6 and title 11, chapter 36 of the Utah code. The storm sewer utility enterprise fund shall be operated according to state law and city policy.

- C. Facilities And Assets: The storm sewer utility shall operate independently of city operations funded by the general fund. The storm sewer utility shall have the same relationship to the city as other city utilities, such as the water utility and the power utility. Upon creation of the utility, all of the city's storm sewer facilities and assets (other than streets and other facilities designated by the mayor or the mayor's designee) shall be transferred to the storm sewer utility in consideration for the storm sewer utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the city's system.
- D. Administration: The storm sewer utility shall be administered by the city's

public services director or designee. (Ord. 06-17 § 2)

13.48.050: STORM SEWER UTILITY FEE:

- A. Imposed: Each developed parcel of real property shall be charged a storm sewer utility fee.
- B. ERU: The fee shall be based on the number of equivalent residential units (ERUs) contained in the parcel. An ERU is the average amount of impervious area in a single-family parcel and was determined by a statistical study of residential parcels in the city. The study utilized digital aerial photography to delineate and measure impervious areas within a residential sample area. Based on this study, one ERU equals three thousand four hundred (3,400) square feet of impervious surface area.
- Calculation: Each single-family residential parcel and each duplex parcel contributes approximately the same amount of stormwater runoff: therefore, each developed single-family residential parcel and each duplex parcel shall pay a base rate of one ERU. All nonsingle-family and nonduplex residential parcels shall pay a multiple of this base rate, expressed in ERUs, according to the measured impervious area on the parcel. Total ERUs are calculated by dividing the total square feet of impervious surface by three thousand four hundred (3,400) (1 ERU).
- D. Charge Per ERU: The amount charged for each ERU shall be three

13.48.050

dollars fifty five cents (\$3.55) per month.

- E. Exemptions And Credits:
 - 1. Exemption: The following areas are exempt from utility service fees:
 - a. Governmentally owned streets:
 - b. Stormwater facilities operated and maintained by, or for, the storm sewer utility, county, or state of Utah;
 - c. Railroad rights of way (tracks), however, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm sewer service fees;
 - d. Undeveloped parcels.
 - 2. Credit: A service fee credit, not to exceed forty five percent (45%) of the original fee amount imposed, may be applied for, by nonsingle-family residential customers, for:
 - a. On site mitigation for improving the quality of stormwater runoff based on implementing source or treatment controls which reduce or eliminate pollutants from the customer's stormwater runoff before it enters the city system. Stormwater quality must meet or exceed city standards to qualify for a credit; and/or
 - b. Reducing the quantity of the customer's site stormwater discharged into the city's system. Discharge rate must be equal to or less than city standard to qualify for a credit.

- F. Policies: The public services director may adopt policies to assist applying, administering, and interpreting this chapter or other provisions related to the storm sewer utility.
- G. Appeals: Any person or entity that believes that this chapter, or any storm sewer utility fee or impervious surface measurement, was interpreted or applied erroneously may appeal to the public services director ("director"). The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. The director may elect to hold a hearing on the appeal. The director shall decide the appeal within ten (10) days of when the appeal is filed. Any person or entity aggrieved by the decision of the director may appeal to the mayor within ten (10) days of receiving the decision from the director. The appeal to the mayor shall follow the same procedure as the appeal to the director. The mayor's decision shall be final and binding on all parties. (Ord. 06-17 § 2)

13.48.055: COMPUTATION OF VOL-UME:

The amount of surface water runoff shall be established by using the following tables and formula:

- A. Rainfall Factor: The fee shall be assessed on the basis of 1.4 inches of rainfall per hour (which is the accepted 100-year standard). This shall be known as "factor A" in the formula.
- B. Area Factor: The rainfall factor shall be multiplied by number of acres in

the development or subdivision. This factor shall be known as "factor B" in the formula.

C. Land Use Factor: The result achieved by multiplying factor A and factor B shall be multiplied by the applicable runoff coefficients as follows:

| General Land Use | Runoff |
|------------------------------|--------------|
| Classification | Coefficients |
| | |
| Residential: | |
| Single-family | 0.35 |
| Two-family | 0.45 |
| Multiple-family | 0.60 |
| Suburban estates | 0.25 |
| Commercial: | |
| Neighborhood | 0.60 |
| General | 0.80 |
| Drive-in movies | 0.70 |
| Industrial: | |
| Light | 0.60 |
| Heavy | 0.80 |
| Agricultural | 0.10 |
| Institutional | 0.30 |
| Parks and recreations | 0.20 |
| Utilities and transportation | 0.50 |
| Streets | 0.86 |
| Vacant | 0.15 |
| | |

D. Distance Factor: The result achieved by multiplying factor A times B times C shall be multiplied by the applicable distance coefficient from the following table:

| Distance From Outfall Of Development Or | Runoff |
|---|--------------|
| Subdivision To Estuary | Coefficients |
| 0.0 - 0.2 miles | 0.1 |
| 0.2 - 0.4 miles | 0.2 |
| 0.4 - 0.6 miles | 0.3 |
| 0.6 – 0.8 miles | 0.4 |
| 0.8 - 1.0 miles | 0.5 |
| 1.0 - 1.2 miles | 0.6 |
| 1.2 - 1.4 miles | 0.7 |

| Distance From Outfall Of Development Or Subdivision To Estuary | Runoff Coefficients |
|--|------------------------|
| 1.4 - 1.6 miles | 0.8 |
| 1.6 - 1.8 miles | 0.9 |
| 1.8 - 2.0 miles | 1.0 |

- E. Estuary Defined: The "estuary" shall be defined as the Jordan River, the Big Cottonwood Creek or the Little Cottonwood Creek.
- F. Distance Coefficient: The distance coefficient shall be factor D in the formula.
- G. Cubic Feet Per Second: The number of cubic feet per second shall be known as "factor F".
- H. Service Fee: The formula for determining the service fee for water runoff and storm drain shall be determined by the following formulas:

$$A \times B \times C \times D = F$$

 $F \times \$1,000.00 = Service fee$

(Per correspondence dated 1-28-2010: prior code § 35-57)

13.48.060: ANNUAL TRANSFER:

There shall be, each fiscal year, an in lieu of tax transfer from the city's storm sewer utility fund to the city's general fund of 8.3 percent of total actual revenues as determined according to standards promulgated by the governmental accounting standards board. The in lieu of tax transfers do not prohibit the storm sewer utility from providing funds or services to other city departments, or receiving funds or services from other city departments. (Ord. 06-17 § 2)

CHAPTER 13.08

WATER SERVICE SYSTEM

| SECTION: | | 13.0 | 8.170: | Nonliability Of City For Scarcity Of Water, |
|------------|--|------|------------------------|---|
| 13.08.010: | Water System Financial | | | Accidents |
| 13.08.020: | Standards Metered Water Rates | 13.0 | 8.180: | Permanent Disconnection Fee |
| 13.08.030: | Fire Line Users; Charge | 13.0 | 8.190: | Extension Of Mains; |
| 13.08.040: | Unauthorized Opening Of | | | Generally |
| 10.00.040. | Valves | 13.0 | 8.200: | Costs |
| 13.08.050: | Water Connection Impact Fees | | 8.210: | General Penalty For Violation Of This Chapter |
| 13.08.060: | Duty Of Water Users To Maintain Meters; Adjustment Of Water | 13.0 | 8.220: | Effective Date |
| | Bills When Meter Fails To Function Properly | 13.0 | 8.010: | WATER SYSTEM FINAN- CIAL STANDARDS: |
| 13.08.070: | Interference With Meter | | | |
| 13.08.080: | Application For Water Service; Property Owners | | | aintain fiscal soundness of the rise fund, the following finan- |
| | Required To Connect Premises Prior To Paving | | | are established: |
| 13.08.090: | Size Of Water Service Pipe | A. | Annual 7 | Transfer: Annual in lieu of tax |
| 13.08.100: | Specifications For Service Pipe | | | from the water department to eral fund of the city shall not |
| 13.08.110: | Unauthorized Use Of Water By Persons Other Than Water Taker | | exceed revenue uniform | 8.3 percent of total actual as used and defined in the fiscal procedures act. Such |
| 13.08.120: | Service Pipes To Be Kept In Good Repair; Digging In Streets Or Sidewalks For Purpose Of Repairing | | other se | shall not prohibit acts and rvices being rendered to other ents of the city. |
| | Service Pipe | В. | Transfer | For Administrative Services: |
| 13.08.130: | Wasting Water Prohibited | | | for administrative services to |
| 13.08.140: | Damage To Waterworks System Prohibited | | | eral fund in an amount not to the value of the actual servic- |
| 13.08.150: | Executive Orders Of Mayor Limiting Use Of Water | | | lered. Such amount shall be less than every five (5) years |
| 13.08.160: | Right Of Entry For Inspection Of Apparatus Attached To Waterworks System | | performa | municipal council after the ance of an independent audit mine the value of service per- |

- C. Reserve Funds: A reserve fund shall be established within the water fund. Such account shall have maintained at least twelve and one-half percent (12¹/₂%) of the total approved operating budget together with an additional four and one-half percent (4¹/₂%) of system value.
 - 1. Reserved funds shall consist of money contained in the following accounts:

- a. Cash in bank;
- b. Automatic repurchases;
- c. Petty cash;
- d. Short term investments;
- e. Renewal and replacement funds;
- f. Amount due and payable from other funds payable within thirty (30) days. (Ord. 02-35 § 5)

13.08.020: METERED WATER RATES:

A. Minimum Charge: Minimum charge for water meters shall be as follows:

| Monthly Base Rate By Meter Size (Inches) | Nov. 1, 2006 To Oct. 31, 2007 | Nov. 1, 2007 To Oct. 31, 2008 | Nov. 1, 2008 To Oct. 31, 2009 | Nov. 1, 2009 And After |
|---|----------------------------------|----------------------------------|----------------------------------|---------------------------|
| ³/₄ and 1 | \$ 6.68 | \$ 6.83 | \$ 7.00 | \$ 7.21 |
| 11/2 | 10.43 | 10.66 | 10.96 | 11.32 |
| 2 | 14.92 | 15.27 | 15.70 | 16.25 |
| 3 | 25.41 | 26.01 | 26.77 | 27.76 |
| 4 | 40.38 | 41.35 | 42.59 | 44.20 |
| 6 | 77.82 | 79.71 | 82.14 | 85.30 |
| 8 | 122.75 | 125.75 | 129.60 | 134.63 |
| 10 | 190.15 | 194.80 | 200.79 | 208.61 |

B. Consumption Charges: In addition to the minimum service charge provided in subsection A of this section, consumption charges for each hundred cubic feet of water supplied through meters are assessed as follows:

| Monthly Base Rate | Nov. 1, 2006 To | Nov. 1, 2007 To | Nov. 1, 2008 To | Nov. 1, 2009 |
|---|-----------------|-----------------|-----------------|--------------|
| By Meter Size (\$/hcf) | Oct. 31, 2007 | Oct. 31, 2008 | Oct. 31, 2009 | And After |
| Winter volumetric rate Summer volumetric rate | \$0.79 | \$0.82 | \$0.86 | \$0.89 |
| | 1.13 | 1.18 | 1.23 | 1.28 |

For purposes of this subsection, "winter volumetric rate" shall apply from November 1 to April 30, and "summer volumetric rate" shall apply from May 1 to October 31.

CHAPTER 13.32

WASTEWATER SYSTEM

| SECTION: | | 13.32.270: | Connections With Public Sewers; Required |
|------------|-----------------------------|------------|--|
| 13.32.010: | Short Title | 13.32.280: | Inspection Required |
| | Purpose | 13.32.290: | Sewer Connection Impact |
| 13.32.020: | | 10.02.200. | Fees And Tapping Charges |
| 13.32.030: | Definitions | 40.00.000- | |
| 13.32.040: | Supervision | 13.32.300: | Connections To Be Made |
| 13.32.050: | State Requirements | | Only By Licensed Drain |
| 13.32.060: | Sewer Service Charge | | Layers Or Plumbers |
| 13.32.070: | Sewer Service Charge | 13.32.310: | Connections Before Sewer |
| | Abatement (Rep. by Ord. | | Completed |
| | 06-47 § 2) | 13.32.320: | Discontinuance Of Water |
| 13.32.080: | Maintenance Expense | | Service When Sewer |
| 13.32.090: | Installation Expenses | | Connections Not Made |
| 13.32.100: | Application For Sewer | 13.32.330: | Extensions Of Sewer Lines |
| 10.02.100. | Service | 13.32.340: | Notice To Be Given To |
| 13.32.110: | Design And Construction | 101021010 | Public Services Director Or |
| | Building Sewer Elevation | | Designee Prior To |
| 13.32.120: | Sewer Financial Standards | | Commencing Work On |
| 13.32.130: | | | Sewers |
| 13.32.140: | Contracts For Sewer Service | 13.32.350: | |
| | Outside Of City | 13.32.330. | Excavation Safeguards For Public |
| 13.32.150: | Certain Connections With | 10.00.000 | |
| | Public Sanitary Sewers | 13.32.360: | Compliance With Chapter |
| | Prohibited | 13.32.370: | Separate Connections With |
| 13.32.160: | Connection Requirement | | Public Sewers Required |
| 13.32.170: | Damage To Wastewater | 13.32.380: | Wastewater System |
| | System Prohibited | | Connection Requirements |
| 13.32.180: | Opening Of Manhole Covers | 13.32.390: | Cleanouts Required |
| 13.32.190: | Separation From Other | 13.32.400: | Grease, Oil And Sand |
| | Utilities | | Interceptors |
| 13.32.200: | Outhouses Prohibited | 13.32.410: | Testing Required Prior To |
| 13.32.210: | Water Closets Or Chemical | | Backfilling |
| | Toilets Required | 13.32.420: | Backfilling Of Trenches |
| 13.32.220: | Old Building Sewers | 13.32.430: | Additional Requirements |
| 13.32.230: | Discharge Into POTW | 13.32.440: | General Penalty For |
| 13.32.240: | Discharge Of Sewage | | Violation Of This Chapter |
| 13.32.250: | Permanent Sewer | 13.32.450: | Effective Date |
| ,0.02.200. | Disconnection Fees | | |
| 13.32.260: | Right Of Entry; Violations | | |
| 13.32.200. | ragin or Liny, violations | | |

13.32.010: **SHORT TITLE:**

This chapter shall be known as the WASTEWATER CONTROL ORDINANCE. (Ord. 02-36 § 2)

13.32.020: **PURPOSE:**

- A. It is necessary for the health, safety and welfare of the residents of the city to regulate the collection of wastewater and treatment thereof. The provisions of this chapter are uniform requirements for direct and indirect contributors into the wastewater system for the city, and enables the city to comply with all applicable local, state and federal laws.
- B. The objectives are to:
 - 1. Prevent the introduction of pollutants into the city wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - 2. Prevent the introduction of pollutants into the city wastewater system and, that are inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - 3. Improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
 - 4. Provide for equitable distribution among users of the cost of the city wastewater system; and
 - 5. Provide for and promote the general health, safety and welfare of the citizens residing within the city.

- C. The provisions of this chapter provide for the regulation of direct and indirect contributors to the city wastewater system through the issuance of permits and through enforcement of general requirements for all users, authorize monitoring and enforcement activities, require user reporting, assume that existing user's capability will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from implementation of this chapter.
- D. The provisions of this chapter shall apply to the users of the wastewater system. (Ord. 02-36 § 2)

13.32.030: **DEFINITIONS:**

Unless the context specifically indicates otherwise, the following terms and phrases, shall have the following meanings:

BUILDING OR LATERAL SEWER: Conveying the wastewater of a user from a residence building or other structure to the wastewater system, including direct connections to the wastewater system where permitted by the city. A lateral sewer is a building sewer.

BUILDING SEWER CONNECTION: That part of the piping extending from the building drain to its connection with the wastewater system.

CENTRAL VALLEY PRETREATMENT PROGRAM: The rules, regulations and policies established by the Central Valley

water reclamation facility board concerning the collection, pretreatment and treatment of wastewater.

COMPATIBLE POLLUTANT: Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the NPDES permit, where the wastewater system is designed to treat such pollutants and does treat such pollutants to the degree required by the wastewater system's NPDES permit.

CONSTRUCTION STANDARDS: The general construction requirements adopted by the city for installation of sewerage facilities.

CONTAMINATION: An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the environmental and/or public health through poisoning or through the spread of disease, as described in standard methods.

DISCHARGER: Any person who discharges or causes the discharge of wastewater to the wastewater system.

INDUSTRIAL USER: Any user that discharges wastewater from commercial and/or industrial processes.

INTERFERENCE: The inhibition or disruption of the wastewater treatment processes or operations or which contributes to a violation of any requirements of the POTW NPDES permit. The term includes prevention of sewage sludge uses or disposal by the POTW in accordance with 405 of the act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the solid waste disposal act (SWDA), the clean air act, the toxic substances control act, or more stringent state criteria (including those contained in any state sludge

management plan prepared pursuant to title IV of SWDA) applicable to the method of treatment and disposal or use employed by the POTW.

POTW GOVERNING AUTHORITY: The Murray City municipal council.

POTW TREATMENT PLANT: That portion of the wastewater system designated to provide treatment for wastewater.

PERSON: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

POLLUTION OR POLLUTANT: The manmade or man induced alteration of the chemical, physical, biological, and radiological integrity of water; including, but not limited to, any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

PRETREATMENT OR TREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other

means, except as prohibited by 40 CFR section 403.6(d).

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by section 212 of the act (33 USC 1291) which is owned by the city having statutory authority to collect and treat sewage. This definition includes any sewers that convey wastewater to the POTW treatment plant, except building or lateral sewers. For the purposes of this chapter, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actual users of the POTW.

SEWAGE: The waterborne wastes discharged to the wastewater system from buildings for residential, business, institutional, and industrial purposes. Wastewater and sewage are synonymous and interchangeable.

SHALL, WILL, MAY: "Shall" and "will" are mandatory; "may" is permissive.

STANDARD INDUSTRIAL CLASSIFICA-TION (SIC): A classification pursuant to the standard industrial classification manual issued by the executive office of the president, office of management and budget, 1972.

STATE: The state of Utah.

STORM SEWER: A sewer that carries only storm, surface and ground water drainage.

STORM WATER: Any flow occurring during or following any form of natural precipitation.

SUBDIVISION: The division of a tract, or lot, or parcel of land into three (3) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment; provided, however, that divisions of land for agricultural purposes or for commercial, manufacturing, or industrial purposes shall be exempt. This definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder. The word "subdivide" and any derivative thereof shall be referenced to the term subdivision as defined in this section.

USER: Any person, individual, partnership, corporation or other entity which discharges fluids or effluent into the city's sewer system.

WASTEWATER: The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any infiltrating ground water, surface water, and storm water that may be present, whether treated or untreated, which enters the wastewater system.

WASTEWATER SYSTEM: The pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms "public sewer", "sewer system", "POTW sewer" and "sewer".

WATER CONSUMPTION: The monthly water consumption average during the

winter. The average is computed with water consumption billed between November 1 and April 30 of the following year.

WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. 02-36 § 2)

13.32.040: **SUPERVISION:**

The wastewater system shall be supervised and directed by the public services director or designee. (Ord. 02-36 § 2)

13.32.050: STATE REQUIREMENTS:

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations. (Ord. 02-36 § 2)

13.32.060: SEWER SERVICE CHARGE:

- A. The following service charge shall be imposed for regularly monthly service rendered to the users of the city's sewer system:
 - 1. All users with a history of water usage shall be charged as follows:

| | Base <u>Rate</u> | Flow Rate Charge Per 100 Cubic Feet |
|--|---------------------|---|
| November 1, 2010 – October 31, 2011 | \$6.51 | \$1.93 |
| November 1, 2011 – October 31, 2012 | 6.71 | 1.99 |
| November 1, 2012 – October 31, 2013 | 6.95 | 2.06 |
| November 1, 2013 – October 31, 2014 | 7.17 | 2.13 |
| November 1, 2014 and after | 7.62 | 2.26 |

Monthly rates are calculated from the previous year's consumption during the winter months. "Winter months" are defined as November 1 through April 30.

- 2. For new users with no history of water consumption, said users shall be billed monthly and charged:
- a. The applicable base rate according to the schedule contained in subsection A1 of this section; and
- b. The average charge of a like and similar user as determined by the city. Such average charge shall be billed on a monthly basis until such time as a history of "water consumption" as defined in this section shall be obtained.
- 3. All residents within three hundred feet (300') of the wastewater system shall be billed monthly and charged the applicable base rate contained in subsection A1 of this section.
- B. Any user who has more than one water meter, one or more of which

measures water eventually to be discharged into the sewer and one or more other meters of which measures water not entering into the sewer system, will not be charged an additional sewer charge for such meters.

- C. When, for any reason, the water meter fails to register, operate or otherwise does not function properly, the charge shall be determined based on the average rate of consumption for a like period of time.
- D. In the event that a user does not receive culinary water from the city on a meter basis, the user shall be assessed the average charge of a like or similar user as determined by the city. If such a user questions the assessment or the amount of water discharged into the sewage system, it shall be the responsibility of the user to install, at its expense, a metering device approved by the city to accurately determine the quantity of water discharged into the sewer system.
- E. The city may make adjustments in the charge based on, but not limited to, meter malfunction, water line breaks or unusual irrigation needs. (Ord. 10-24: Ord. 06-39 § 2: Ord. 02-36 § 2)

13.32.070: SEWER SERVICE CHARGE ABATEMENT:

(Rep. by Ord. 06-47 § 2)

13.32.080: MAINTENANCE EXPENSE:

All building sewers, including the connection to the wastewater system, shall be maintained by the property owner. (Ord. 02-36 § 2)

13.32.090: INSTALLATION EXPENSES:

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the applicant. The applicant shall retain or employ a licensed and bonded sewer contractor or plumber to make connection to and install a building sewer. (Ord. 02-36 § 2)

13.32.100: APPLICATION FOR SEW-ER SERVICE:

Whenever any person desires to obtain a sewer service from the city, they shall make application therefor in writing in accordance with the provisions of section 13.08.080 of this title. All payments for services rendered pursuant to the application shall be made consistent with the terms of this chapter. (Ord. 02-36 § 2)

13.32.110: DESIGN AND CONSTRUCTION:

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall all conform to the requirements of the building and plumbing code or other applicable laws, rules and regulations of federal, state and local entities, and wastewater system construction standards. (Ord. 02-36 § 2)

13.32.120: BUILDING SEWER ELEVATION:

In all buildings where the elevation is too low to permit gravity flow to the wastewater system, sewage discharge from such building shall be lifted by the city approved means, discharged to the wastewater system, and operated and maintained by the user. (Ord. 02-36 § 2)

13.32.130: SEWER FINANCIAL STAN-DARDS:

In order to maintain fiscal soundness of the sewer enterprise fund, the following financial standards are established:

- A. Annual Transfer: Annual in lieu of tax transfer from the sewer enterprise fund to the general fund of the city shall not exceed 8.3 percent of total actual revenue as used and defined in the uniform fiscal procedures act, but shall not include funds dedicated for Central Valley water reclamation facility. Such transfer shall not prohibit acts and other services being rendered to other departments of the city.
- B. Transfer For Administrative Services: Transfer for administrative services to the general fund in an amount not to exceed the value of the actual services rendered. Such amount shall be set not less than every five (5) years by the Murray City council after the performance of an independent audit to determine the value of services performed.
 - Reserve Funds: A reserve fund shall be established within the sewer fund. Such account shall have maintained in it funds constituting at least twelve and one-half percent $(12^1/_2\%)$ of the total approved operating budget together with an additional four and one-half percent $(4^1/_2\%)$ of wastewater system value. Reserve funds shall consist of funds contained in the following accounts:

- 1. Cash in bank;
- 2. Automatic repurchases;
- 3. Petty cash;
- 4. Short term investments:
- 5. Renewal and replacement funds;
- 6. Amounts due from other funds payable within thirty (30) days. (Ord. 02-36 § 2)

13.32.140: CONTRACTS FOR SEWER SERVICE OUTSIDE OF CITY:

The proper officers of the city are authorized to make and enter into such contracts as may be necessary, convenient or proper with respect to the carriage and treatment of sewage for improved property outside the city and with respect to the payment of proper charges for such service, including, without limiting the generality of the foregoing, connection charges, and justly related to, but not less than the charges fixed by this chapter; provided, that no such contract shall impair the ability of the city to carry and treat properly the sanitary sewage furnished within the city. (Ord. 02-36 § 2)

13.32.150: CERTAIN CONNECTIONS WITH PUBLIC SANITARY SEWERS PROHIBITED:

It is unlawful for any person to connect with a public sewer any drainpipe or pipe which discharges rainwater, cellar or surface water or the contents of any spring, flowing well, creek, ditch or other watercourse or any stream or exhaust blowoff. The overflow from blowoff boilers or heating plants

shall not be permitted to enter a sewer at a temperature in excess of one hundred twenty degrees Fahrenheit (120°F). The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, stores or warehouses containing inflammable oils or petroleum products, carriage houses, laundries or buildings for the stabling of horses or cows or other animals shall not enter into or be connected with a public sanitary sewer unless such contents are discharged into a settling tank, properly trapped and vented, such tank to be approved by the public services director or designee and to be at all times subject to his approval and condemnation. (Ord. 02-36 § 2)

13.32.160: CONNECTION REQUIRE-MENT:

Any person connecting to the city's wastewater system shall notify the public services director or designee when the building sewer is ready for inspection. The connection shall be made under the supervision of the public services director or designee. The connection of the building sewer to the wastewater system shall conform to the requirements of the building and plumbing code or other applicable laws, rules and regulations of federal, state and local entities. All such connections shall be made tight. (Ord. 02-36 § 2)

13.32.170: DAMAGE TO WASTE-WATER SYSTEM PROHIB-ITED:

A. It is unlawful for any person to injure, break or remove any part or portion of any sewer or of any sewer appliance or appurtenance. B. Except as otherwise approved in writing by the public services director or designee, no person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any public sewer. (Ord. 02-36 § 2)

13.32.180: OPENING OF MANHOLE COVERS:

It is unlawful for any person to open any sewer manhole without permission from the public services director or designee. (Ord. 02-36 § 2)

13.32.190: SEPARATION FROM OTHER UTILITIES:

All utility lines or conduits shall be separated from the building sewer as required by state law. (Ord. 02-36 § 2)

13.32.200: OUTHOUSES PROHIBITED:

It is unlawful for any person to erect or maintain any outhouse or privy within the city. (Ord. 02-36 § 2)

13.32.210: WATER CLOSETS OR CHEMICAL TOILETS RE-QUIRED:

It is unlawful to dispose or deposit any human excreta within the city, except in a sanitary water flush closet or a chemical toilet. (Ord. 02-36 § 2)

CHAPTER 12.28

LYNN F. PETT MURRAY PARKWAY GOLF COURSE

| SECTION: | |
|------------|--------------------------|
| 12.28.010: | Renamed |
| 12.28.020: | Financial Standards |
| 12.28.030: | Green Fees |
| 12.28.040: | Golf Course Operation; |
| | Rentals |
| 12.28.050: | Discounts And Promotions |
| | |

12.28.010: **RENAMED:**

The golf course known as the Murray Parkway golf course shall be renamed the Lynn F. Pett Murray Parkway golf course. (Ord. 04-08 § 2)

12.28.020: FINANCIAL STANDARDS:

In order to maintain fiscal soundness of the Lynn F. Pett Murray Parkway golf course, the following financial standards are established:

- A. Reserve for improvements and equipment replacement. This reserve will be funded at seventy thousand dollars (\$70,000.00) per year, only after payment of all operation and maintenance expenses and debt services.
- B. In lieu of tax transfer to general fund shall be twenty two thousand dollars (\$22,000.00) per year, only after funding of subsection A of this section is complete.

- C. Transfer for administrative services to the general fund in an amount not to exceed the value of the actual services rendered to the parkway and its related facilities. Such amount shall be set not less than every five (5) years by the city council after the performance of an independent audit to determine the value of services performed.
- D. A cash reserve fund shall be established within the Murray Parkway recreation fund and maintained at the level of seventeen percent (17%) of annual gross revenues, or one hundred fifty thousand dollars (\$150,000.00), whichever is greater. Transfer to the cash fund will be made only after subsections A and B of this section are fully funded. (Ord. 04-08 § 2)

12.28.030: **GREEN FEES:**

The green fees shall be as follows:

| User Type | 9 Holes | 18 Holes |
|--|----------|----------|
| 10 round punch card | \$120.00 | n/a |
| Juniors | 8.00 | \$16.00 |
| Juniors annual pass (age 17 or younger) | 350.00 | |
| Juniors summer pass (age 17 or younger) | 250.00 | |